UNITED
NATIONS

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Economic and Social
Council

Distr.
LIMITED

E/CN.4/1997/L.50
8 April 1997

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-third session
Agenda item 8 (d)

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT

QUESTION OF A DRAFT OPTIONAL PROTOCOL TO THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

Argentina, Austria, Benin, Bosnia and Herzegovina*, Brazil, Bulgaria, Chile, Costa Rica*, Cyprus*, Czech Republic, Denmark, Dominican Republic, El Salvador, Finland*, France, Germany, Greece*, Guatemala*, Honduras*, Hungary*, Italy, Liechtenstein*, Luxembourg*, Mexico, Netherlands, Nicaragua, Norway*, Peru*, Poland*, Portugal*, Romania*, Russian Federation, Senegal*, Slovakia*, Slovenia*, South Africa, Spain, Sweden*, Switzerland*, The former Yugoslav Republic of Macedonia, Ukraine, Uruguay, United Kingdom of Great Britain and Northern Ireland, United States of America and Venezuela*: draft resolution

1997/... Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The Commission on Human Rights,

Recalling its resolution 1992/43 of 3 March 1992, by which it established an open-ended working group to elaborate a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, using as a basis for its discussions the draft text proposed by the Government of Costa Rica (E/CN.4/1991/66), and decided to consider the question at its forty-ninth session,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Recalling also the subsequent resolutions on the subject, in particular resolution 1996/22 of 23 July 1996 of the Economic and Social Council in which the Council authorized the working group to meet in order to continue its work,

Recalling further that the World Conference on Human Rights firmly declared that efforts to eradicate torture should, first and foremost, be concentrated on prevention and called for the early adoption of an optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which is intended to establish a preventive system of regular visits to places of detention,

1. Takes note of the report of the working group on the draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, (E/CN.4/1997/33 and Add.1), and warmly welcomes the progress made during the working group's fifth session;

2. Requests the open-ended working group to meet for a period of two weeks prior to the fifty-fourth session of the Commission in order to continue its work, with a view to completing expeditiously a final and substantive text, and to report on its work to the Commission at that session;

3. Requests the Secretary-General to transmit the report of the working group to all Governments, the specialized agencies, the chairpersons of the human rights treaty bodies and to intergovernmental and non-governmental organizations, and to invite them to submit their comments to the working group;

4. Also requests the Secretary-General to invite Governments, the specialized agencies and relevant intergovernmental and non-governmental organizations, as well as the Chairperson of the Committee against Torture and the Special Rapporteur on the question of torture, to participate in the activities of the working group;

5. Further requests the Secretary-General to extend all the necessary facilities to the working group for its meeting prior to the fifty-fourth session of the Commission;

6. Decides to examine the report of the working group at its fifty-fourth session under the sub-item entitled "Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or

Degrading Treatment or Punishment" in the context of the agenda item entitled "Question of the human rights of all persons subjected to any form of detention or imprisonment";

7. Recommends the following draft resolution to the Economic and Social Council for adoption:

"The Economic and Social Council,

"Recalling Commission on Human Rights resolution 1997/.. of .. April 1997,

"1. Authorizes an open-ended working group of the Commission on Human Rights to meet for a period of two weeks prior to the fifty-fourth session of the Commission in order to continue the elaboration of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

"2. Requests the Secretary-General to extend to the working group all necessary facilities for its meetings and to transmit the report of the working group (E/CN.4/1997/33 and Add.1) to Governments, the specialized agencies, the chairpersons of the human rights treaty bodies and the intergovernmental and non-governmental organizations concerned."